

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

IVAN WILLIAMS,  
Plaintiff,  
v.  
BIRDSONG, et al.,  
Defendants.

Case No. 3:22-cv-00267-ART-CSD

**ORDER**  
(ECF No. 4)

This action began with a pro se civil-rights complaint submitted under 42 U.S.C. § 1983 by a state prisoner. Plaintiff Ivan Williams has applied to proceed *in forma pauperis*. ECF No. 4. Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on August 12, 2022. ECF No. 5. The screening order imposed a 90-day stay, and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. ECF Nos. 5, 8. The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. ECF No. 16.

The Court's mail to Plaintiff has been returned as undeliverable. See, e.g., ECF Nos. 10, 11. On November 4, 2022, the Court ordered Plaintiff to file his updated address with the Court, as required under Nevada Local Rule IA 3-1, by December 5, 2022. ECF No. 12. But Plaintiff did not file his updated address with the Court, and the Court's mail to him continues to be returned as undeliverable. See ECF Nos. 15, 17. According to the Nevada Department of Corrections inmate database, Plaintiff is currently housed at the Wells Conservation Camp. The Court will therefore grant Plaintiff a final extension of time to file his updated address with the Court.

1 For the foregoing reasons, **IT IS ORDERED** that:

2 1. Plaintiff has until **February 6, 2023**, to file his updated address with the  
3 Court.

4 2. Plaintiff's application to proceed *in forma pauperis* (ECF No. 4) is  
5 **GRANTED**. Pauper status doesn't relieve Plaintiff of the obligation to pay the full \$350  
6 filing fee under the statute; it just means that Plaintiff can do it in installments. Plaintiff is  
7 not required to pay an initial installment of the filing fee. And Plaintiff is permitted to  
8 maintain this action to conclusion without the necessity of prepayment of any additional  
9 fees or costs or the giving of security. But the full filing fee must still be paid under 28  
10 U.S.C. § 1915(b)(2) even if this action is later dismissed.

11 3. To ensure that Plaintiff pays the full filing fee, the Nevada Department of  
12 Corrections will forward payments from the account of **Ivan C. Williams, #1201398** to the  
13 Clerk of the United States District Court, District of Nevada, 20% of the preceding month's  
14 deposits (in months that the account exceeds \$10) until the full \$350 filing fee has been  
15 paid for this action.

16 4. Service must be perfected within 90 days from the date this order is entered  
17 as required under Federal Rule of Civil Procedure 4(m).

18 5. Subject to the findings of the screening order (ECF No. 5), within 21 days  
19 of the date of entry of this order, the Attorney General's Office will file a notice advising  
20 the Court and Plaintiff of (a) the names of the defendants it accepts service for, (b) the  
21 names of the defendants it does not accept service for, and (c) the names of the  
22 defendants it is filing last-known-address information for under seal. As to any named  
23 defendant the Attorney General's Office cannot accept service for, the Office will file under  
24 seal—but will not serve the inmate Plaintiff—the defendant's last-known address, if it has  
25 such information. If the last-known address of any defendant is a post office box, the  
26 Attorney General's Office will attempt to obtain and provide the defendant's last-known  
27 physical address.  
28

1           6.       If service cannot be accepted for any named defendant, Plaintiff will file a  
2 motion identifying the unserved defendant(s), requesting issuance of a summons(es), and  
3 specifying a full name and address for the defendant(s). If the Attorney General's Office  
4 has not provided last-known-address information for any such named defendant, Plaintiff  
5 will provide the defendant's full name and address.

6           7.       Any defendant that the Attorney General's Office accepts service of process  
7 for will file and serve an answer or other response to the Complaint (ECF No. 6) within 60  
8 days of the entry date of this order.

9           8.       Plaintiff will serve upon defendants or, if an appearance has been entered  
10 by counsel, upon their attorney(s), a copy of every pleading, motion, or other document  
11 Plaintiff submits for the Court's consideration. If Plaintiff electronically files a document  
12 with the Court's electronic-filing system, no certificate of service is required. Fed. R. Civ.  
13 P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. LR 5-1. However, if Plaintiff mails the  
14 document to the Court, Plaintiff will include with the document a certificate stating the date  
15 that a true and correct copy of the document was mailed to defendant(s) or their counsel.  
16 If counsel has entered a notice of appearance, Plaintiff will direct service to the individual  
17 attorney(s) named in the notice of appearance, at the physical or electronic address  
18 stated therein. The Court may disregard any document received by a district judge or  
19 magistrate judge that has not been filed with the Clerk of the Court, and any document  
20 received by a district judge, magistrate judge, or the Clerk of the Court that fails to include  
21 a certificate showing proper service when it is required.

22           9.       This case is no longer stayed.

23           Finally, the Clerk of the Court will (1) electronically **SERVE** copies of this order and  
24 the Complaint (ECF No. 6) on the Office of the Attorney General of the State of Nevada  
25 by adding the Attorney General of the State of Nevada to the docket sheet, which does  
26 not indicate acceptance of service; (2) send a copy of this order to the Finance Division  
27 of the Clerk's Office and to the attention of **Chief of Inmate Services for the Nevada**  
28 **Department of Corrections**, P.O. Box 7011, Carson City, NV 89702; and (3) send a

1 courtesy copy of this order to Plaintiff Ivan Williams at Wells Conservation Camp, HC 67-  
2 50, Wells, NV 89835.

3  
4 DATED THIS 6th day of January 2023.

5   
6 UNITED STATES MAGISTRATE JUDGE